

Child Neglect Laws for a Safer Maryland

FACTSHEET

SB 178/HB 162:

- **Protect children** by establishing the crime of child neglect;
- **Brings Maryland into conformity with 49 states** with an established crime of child neglect or abandonment;
- **Hold caretakers responsible for intentional neglect** of children who depend on them for their basic physical needs, or their mental health;
- **Exclude** instances in which the sole reason for the failure to provide for the physical needs of the minor is a lack of financial resources or homelessness, to **ensure that indigent caretakers will not be charged**.

SB 178/HB 162 Criminal Law - Child Neglect - Penalties

The child neglect bills will establish criminal penalties for the **intentional** failure to provide for the basic physical needs or mental health of a child **such that the failure creates a substantial risk of harm to the child's physical health or a substantial risk of mental injury to the minor**. A similar law exists in MD to prevent the neglect of **vulnerable adults**.

What is Neglect?

The intentional failure to provide **necessary assistance and resources** for the physical needs or mental health of a minor.

Importantly, the bills do not serve to criminalize indigent parents and caretakers. If the sole reason for the failure to provide the basic physical needs of a child is a lack of financial resources, or homelessness, the parents/caretakers cannot even be charged as such conduct is excluded by definition.

*In 2009, Child Protective Services identified **3 times** as many child neglect cases as child sexual abuse cases, and **2.5 times** as many child neglect cases than child physical abuse cases.*

*Just like physical and sexual child abuse, neglect is a **serious threat** to the safety of Maryland's most vulnerable individuals.*

The total estimated nationwide annual cost in 2007 of child abuse and neglect was \$103.8 billion. This total estimate includes direct and indirect costs; **direct costs** stemming from hospitalization, the mental health care system, the child welfare system, and law enforcement; **indirect costs** stemming from special education, juvenile delinquency, mental health and health care, the adult criminal justice system, and lost productivity to society. While the vast majority of these cases are ones for which our civil laws provide adequate protection, certain serious and repeat offenders should face criminal sanction.

Why does Maryland need this law?

Maryland now joins the rest of the country with a statute criminalizing child neglect or abandonment:

- Under former MD law, children could be removed from their homes by court order under certain conditions if they are identified as a CINA, "child in need of assistance," which includes abused and neglected children.
- However, while there were criminal penalties for persons who neglect an animal or a vulnerable adult in Maryland, no such similar criminal penalty existed for those who do the same to our children.
- In the past, those who intentionally neglected Maryland's children, creating a substantial risk of harm to their physical or mental health, could only be charged if there is physical injury or death (child abuse) or if there was a substantial risk of death, permanent or protracted disfigurement, or the loss of an organ (reckless endangerment).

Protecting Child Victims

- In 2009, there were a total of **1,676 child fatalities** nationwide due to maltreatment. It is projected that 600 (35.8%) of those deaths were attributed to neglect exclusively.
- Child neglect is the **most common form of maltreatment**; in the U.S., 78% of child maltreatment victims suffered neglect (2009).
- Child neglect has been found to **increase an individual's risk of criminal involvement** and violent behavior during adulthood; neglect may be a more important contributor to later **antisocial behavior** than other forms of child maltreatment.
- Children who are neglected display continuing problems in cognitive development, with poor learning skills and academic achievement; children who were neglected have the **poorest academic performance** compared to those who were abused or non-maltreated.

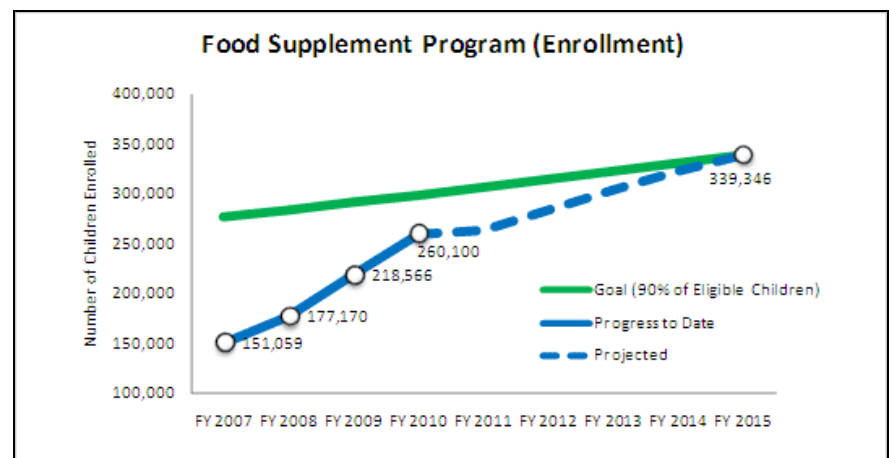
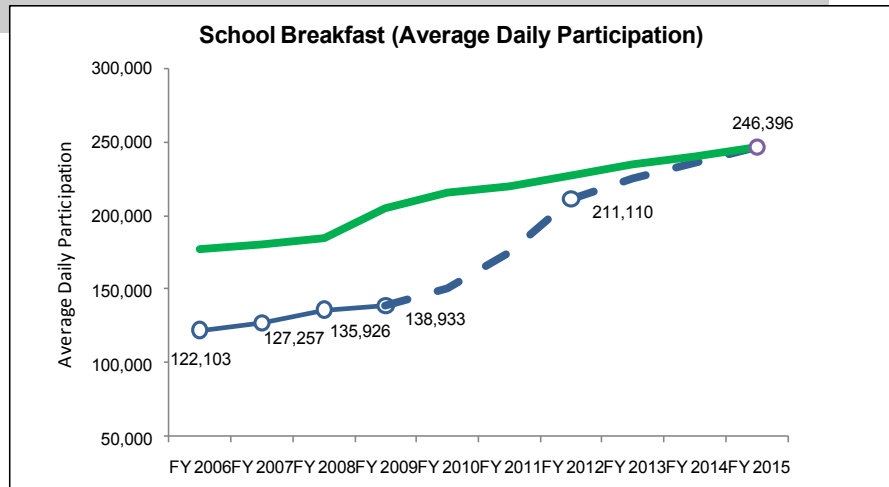
A National Crisis: Invisible Victims

- In 2009, the Arizona Child Abuse Information Center found that child neglect was the most prevalent form of child abuse, and further, it was found to be unnoticed and underreported by professionals because the seriousness is not as observable as other types of maltreatment.

Ending Childhood Hunger in Maryland

Protecting Our Children through Stra-

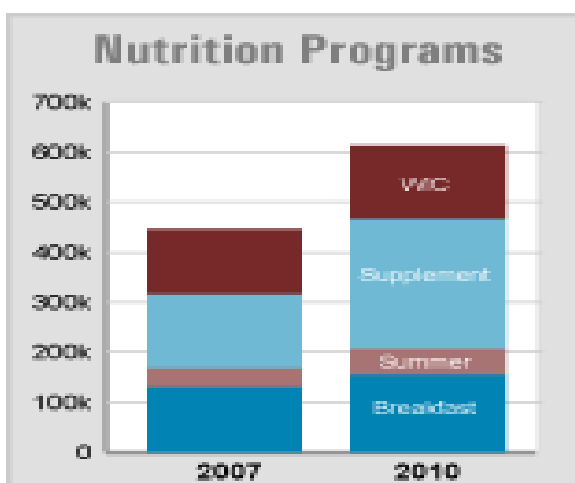
- The O'Malley-Brown Administration has been working for years to provide services to our most vulnerable citizens.
- Maryland partnered with Share Our Strength and together created a 5-year plan to end childhood hunger by 2015. With strategic planning, goals have been set to "improve access to public and private programs that provide food to children; strengthen community infrastructure and systems for getting healthy food to children; and improve families' knowledge about available programs, healthy choices and how to get the most from limited resources."
- Currently, resources have been made available for families in need of assistance, including: **School Breakfast**, **Summer Meals**, **Child and Adult Food Program (CACFP)**, and **Food Supplement Program**.
- Within the first year, accomplishments were made resulting in an increase of student enrollment and participation in available programs.
- In 2009, approximately 131,644 students enrolled in the **School Breakfast** Program.
- In 2009, approximately 2.5 million **Summer Meals** were provided; showing an increase of 260,000 Summer Meals served from 2008.
- In 2009, Maryland became one of the thirteen states that can offer supper through **CACFP (Child Care and Adult Care Food Program)**.
- In 2009, 115,319 households with children and 232,436 children were participating in the **Food Supplement Program (FSP)**.
- In October 2009, the USDA awarded the Maryland Department of Human Resources a \$1.4 million high performance bonus award for most improved customer access in providing FSP benefits.



Governor O'Malley's StateStat Charts:

- "Since 2007, there has been a 14% increase in daily **School Breakfast** participation."
- "Since 2007, there has been a 72% increase in the number of children (18 and under) enrolled in the **Food Supplement Program**."

Share Our Strength: No Kid Hungry



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